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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,224	01/04/2002	James Lundblad	MS1-1052US	7270
22801	7590	10/01/2004	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			LEE, MICHAEL	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/039,224	JAMES LUNDBLAD ET AL.	
	Examiner	Art Unit	
	M. Lee	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-13 is/are allowed.
- 6) ☒ Claim(s) 1-6, 14-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21, 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ezaki (5,402,187) in view of Goldschmidt Iki et al. (6,594,825).

Regarding claim 1, Ezaki discloses a step of discriminating for discriminating the aspect ratio of an input video signal (col. 5, lines 61-65), which correlates the determining step as claimed, and a converting step for converting a letterbox type video signal into a standard type video signal (col. 6, lines 8-14), which meets the converting step as claimed, except the step of discriminating discriminates program data from a electronic program guide. In any event, Ezaki teaches that the discriminating step can discriminates the aspect ratio code from other sources other than the video signal itself (col. 5, lines 27-34). Goldschmidt, from the similar field of endeavor, teaches that the use of electronic program guide to indicate a video display format of a video signal is well known (col. 8, lines 51-52, col. 3, lines 16-19). By using the electronic program guide, the user is readily informed what the display format of the instant channel is. Since the aspect ratio code or the display format in Ezaki can be derived from any source, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to include the electronic program guide of Goldschmidt serving as aspect ratio code provider into Ezaki to perform the well known functions as claimed.

Regarding claim 2, the aspect code in Ezaki or the display format information in Goldschmidt meets the format flag as claimed.

Regarding claim 3, in Figures 6B and 6C of Ezaki, the pictures as shown are all stretched in the vertical direction. Although Ezaki does not mention the 4/3 stretch ratio, it would have been an obvious design choice because the pictures in Figures 6B and 6C could be stretched into any ratio.

Regarding claim 4, Ezaki does not specify the M/N ratio. However, in view of above reasoning, it would have been considered a matter of obvious design choice.

Regarding claim 5, Ezaki shows a FIR type filter converter (see col. 6, lines 61-64, and the incorporated reference), which meets the multiple polyphase filters as claimed.

Regarding claim 6, the electronic program data in Goldschmidt is part of the broadcast feed.

Regarding claims 14-16, in addition of above reasonings, Ezaki does not specify that the invention be implemented on computer executable instructions. The examiner takes Official Notice that using computer to implement an operation is well known in the art for its fast turn around and low in cost. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement functions on a computer system so that the cost of product could be reduced and turn around time could be shortened.

Regarding claims 17-21, in addition of above, reasonings, Goldschmidt shows a memory 212, a processor 202, and an EPG stored in memory 212.

Regarding claims 24-27, similar to the combination rejection above, the program guide means is met by Goldschmidt, and the conversion means is met by Ezaki.

3. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ezaki (5,402,187) in view of Goldschmidt I et al. (6,594,825), and further in view of Crochiere et al. (3,997,772).

Regarding claims 22 and 23, Ezaki does not specify the converter as claimed. Crochiere, from the similar field of endeavor, teaches such converter (Figure1) showing an interpolator 12, a low pass filter (14,16), and a decimator (18). Since the converter in Ezaki could be any conventional converter, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include Crochiere into Ezaki to perform the well known functions as claimed.

Allowable Subject Matter

4. Claims 7-13 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter: Prior art does not teach or suggest the step of determining whether the television is capable of supporting anamorphic programs, and the converting step for converting the program from the letterbox format to anamorphic format prior to output to the television in an event that the program is in letterbox format and the television is capable of supporting anamorphic programs as recited in claim 7.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number is 703-305-4743. The examiner can normally be reached on Monday through Thursday from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



M. Lee
Primary Examiner
Art Unit 2614